

## REMARKS

### **Claim Rejections - 35 USC § 102**

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Connelly et al (5,998,120) or Saito et al (6,220,925). This rejection is respectfully traversed.

The present invention describes an improved method for making direct dispersions of photographic useful materials (PUMs) for incorporation into silver halide photographic elements. It teaches the use of low levels (relative to the amount of PUMs) of specific organic solvents having a boiling point of at least 150C, a molecular weight less than or equal to 300, and a solvatochromic parameter  $\beta$  value greater than or equal to 0.50. As demonstrated in the examples, the specific solvents have been found to be particularly advantaged over other organic solvents for their ability to reduce to oil phase solution at temperatures used in the direct dispersion process. In particular, with the enhanced solubility characteristics that they provide, a much wider variety of high melting PUM's become amenable to the direct dispersion making process. They also enable direct dispersions to be prepared at reduced permanent solvent loads to facilitate thinner coated layers and reduced material (solvent and gelatin) laydowns, which lowers manufacturing cost. They also allow direct dispersion oil phases to be prepared at lower temperatures to avoid coupler decomposition problems, which may be commonly encountered with the direct process.

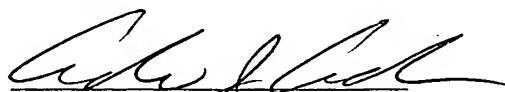
The Examiner reproduces large sections of the texts of each of Connelly et al and Saito et al, and in each instance concludes that "[g]iven the teachings of the reference, the instant claims are anticipated." The Examiner fails to indicate, however, where in each such cited reference the particular combination of requirements of the presently claimed invention may be found. Specifically, e.g., while Connelly teaches the use of various types of gelatins, photographically useful materials, and solvents in the preparation of direct dispersion, and while Saito et al teaches the use of a combination of pyrrolotriazole couplers and non-color forming cyclic imide compound with a diffusion-resistant group and a wide variety of possible solvents, there is no specific teaching in either reference of the use of solvents meeting the requirements of the present invention at the claimed solvent to photographically useful material weight ratio. In particular, the solvent to photographically useful

material weight ratios in dispersions prepared in all the Examples of the cited references appear to be well above the present claimed requirement. Thus, the present claims on this point alone clearly are not anticipated, and reconsideration of this rejection is accordingly respectfully requested.

Further, while not rejected as obvious over the cited prior art, it is additionally clear that Connelly et al and Saito et al are directed towards solving different problems than that of the present invention, and that there is accordingly no teaching or suggestion that would lead one skilled in the art to the present invention. For both references, e.g., there is no mention of the desire to minimize solvent levels with direct dispersions, and no teaching of any combination of solvent parameters which would facilitate solvent minimization in direct dispersions. It is further noted with respect to Saito et al., that most of the phosphates and amides listed and referenced by the Examiner are high MW solvents, which are outside the scope of the present invention. Further, this reference in any event teaches the use low boiling (50 – 160C) auxiliary solvents in dispersion preparation (note all of the dispersion making examples employ high levels of ethyl acetate (BP = 77C)), contrary to the direct dispersion teachings of the present invention. Clearly, such references accordingly do not establish any prima facie case of obviousness with respect to the present claimed invention.

In view of the foregoing remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.